



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,692	10/04/2000	Glenn Reid	004860.P2475	9006

7590 04/25/2003

Lisa N Benado
Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Boulevard
7th Floor
Los Angeles, CA 90025

EXAMINER

NGUYEN, NHON D

ART UNIT	PAPER NUMBER
----------	--------------

2174

DATE MAILED: 04/25/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

PPG

Office Action Summary

Application No.

09/679,692

Applicant(s)

REID ET AL.

Examiner

Nhon (Gary) D Nguyen

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Oath/Declaration

1. It does not identify the mailing or post office address of each inventor. A mailing or post office address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing or post office address should include the ZIP Code designation. The mailing or post office address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8, 16, 24, and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8, 16, 24, and 32 recite the limitation "the element type". There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

Art Unit: 2174

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Ashe et al (“Ashe”, US 6,307,574).

As per independent claim 1, Ashe teaches a method for producing a graphical user interface, the method comprising:

storing a graphic file having at least one control object, each control object in a separate layer (col. 3, lines 8-12 and col. 6, lines 10-17), and

launching an application program to access the graphic file and to display a control element on the graphical user interface, the control element having at least one attribute dictated by one of the control objects (col. 8, lines 7-33).

As per claim 2, which is dependent on claim 1, Ashe teaches the graphic file has a first control object in a layer dictating one attribute of the control element and a second control object in a separate layer dictating another attribute of the control element (col. 8, lines 22-33).

As per claim 3, which is dependent on claim 2, Ashe teaches the first control object and the second control object share a common name attribute (e.g. *Draw Scroll Background*, *Draw Scroll Thumb*, *Draw Scroll Arrow*; col. 8, lines 12-33).

As per claim 4, which is dependent on claim 2, Ashe teaches the layer of the first control object is grouped with the layer of the second control object as pointed out in col. 8, lines 12-33,

Art Unit: 2174

e.g. objects under different layers such as *up*, *down*, *left* or *right* are grouped under *Arrow* control element.

As per claim 5, which is dependent on claim 1, it is inherent in Ashe's system that the graphic file is editable and the at least one control object may be added, deleted or altered.

As per claim 6, which is dependent on claim 1, Ashe teaches the control element is an edit control to manipulate a time-based stream of information (col. 4, lines 44-49).

As per claim 7, which is dependent on claim 1, Ashe teaches the attribute is an appearance (col. 7, lines 4-11 and col. 8, lines 22-33).

As per claim 8, which is dependent on claim 1, Ashe teaches the attribute is a state in a particular environment (col. 8, lines 22-33).

As per independent claims 9, 17, and 25, they are similar in scope to claim 1; therefore, they should be rejected under similar rationale.

As per claims 10, 18, and 26, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 2; therefore, they should be rejected under similar rationale.

Art Unit: 2174

As per claims 11, 19, and 27, which are dependent on claims 10, 18, and 26 respectively, they are similar in scope to claim 3; therefore, they should be rejected under similar rationale.

As per claims 12, 20, and 28, which are dependent on claims 10, 18, and 26 respectively, they are similar in scope to claim 4; therefore, they should be rejected under similar rationale.

As per claims 13, 21, and 29, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 5; therefore, they should be rejected under similar rationale.

As per claims 14, 22, and 30, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 6; therefore, they should be rejected under similar rationale.

As per claims 15, 23, and 31, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 7; therefore, they should be rejected under similar rationale.

As per claims 16, 24, and 32, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 8; therefore, they should be rejected under similar rationale.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6404433 to Ruff, Joseph et al. discloses data-driven layout engine.

Art Unit: 2174

US 6104391 to Johnston, Jr., Robert G. et al. discloses system and method for customizing appearance and behavior of graphical user interfaces.

US 5900877 to Weiss, Scott D. et al. discloses method and apparatus for multilevel software controls.

Inquiries

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is 703-305-8318. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kistine L Kincaid can be reached on 703-308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nhon (Gary) Nguyen
April 21, 2003

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100